



US Army Corps of Engineers

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435



Public Notice

APPLICATION NO.:	JCB-200401180
EVALUATOR:	Ms. Joyce Butler
PHONE NO.:	(601) 631-5294
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	February 20, 2004
EXPIRATION DATE:	March 11, 2004

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-F and the Mississippi Department of Environmental Quality at Post Office Box 10385, Jackson, Mississippi 39289-0385, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:

Mississippi Department of Wildlife,
Fisheries & Parks
1505 Eastover Drive
Jackson, Mississippi 39211

Location of Work: Sections 18 and 19, T10N-R13E, latitude 32°42'41.5538", longitude 89°0'38.1975", within the Pearl River drainage basin, Neshoba County, near Philadelphia, Mississippi.

Description of Work: (See enclosed map and drawings.)

The applicant is applying for an after-the-fact Department of the Army permit for restoration of Neshoba Lake. The work involved deepening the lake and using excavated material to construct islands, bars, and fishing piers and to reclaim old creek channels and create a variety of fishery habitat.

The purpose of the project is to improve fish and wildlife habitat in the lake, and to reopen the lake for public use. The following descriptions of the project and associated impacts are based upon information provided by the applicant.

Neshoba Lake was constructed approximately 50 years ago with a surface area of over 200 acres. It has a drainage basin of over 20,000 acres and has silted in over the years. The existing drainage structure and spillway were replaced in 1999 to more adequately control lake water levels. This work reduced the functional lake level from 461.5 feet MSL (Mean Sea Level) to 460.0 feet MSL and necessitated deepening of the lake to maintain the fishery habitat. The lake was drained in February 2001.

The work to restore the lake would be conducted in two phases. Phase 1 is largely complete. The completed work includes excavation within a total of approximately 10,600 linear feet of six channels to a bottom width of approximately 30 feet and a depth of approximately 4 feet. An estimated 43,730 cubic yards of excavated material was placed in 0.97 acre of other waters of the United States to construct berms adjacent to the channels. In addition, 4 earthen piers were constructed in 1.03 acres of other waters of the United States, and a road to the existing island was constructed in 0.78 acre of other waters. The work was accomplished using a track hoe and bulldozers.

Additional work in Phase I would include using a barge-mounted suction dredge to remove approximately 26,000 cubic yards of material from 53 acres of other waters of the United States to elevation 455 Mean Sea Level. The dredged material would be placed in approximately 13 acres (Site A) to enlarge the existing island, and within containment berms at Sites B and C (1.4 acres and 2.97 acres, respectively). Any excess material would be placed at site D, which is an upland site. Two ring levees approximately 250 feet wide by 1,000 feet long would be constructed to contain the dredged material.

Phase II work would include deepening the lake four feet in approximately 72.04 acres in front of the dam. Approximately 350,000 cubic yards of material would be removed from other waters of the United States and wetlands in this area. Dredged material would be placed in sites A, B, and C, if they were not full. Additional material would be placed in Site D.

The placement of dredged and/or fill material in waters of the United States, including wetlands, associated with the project requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Neshoba County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water

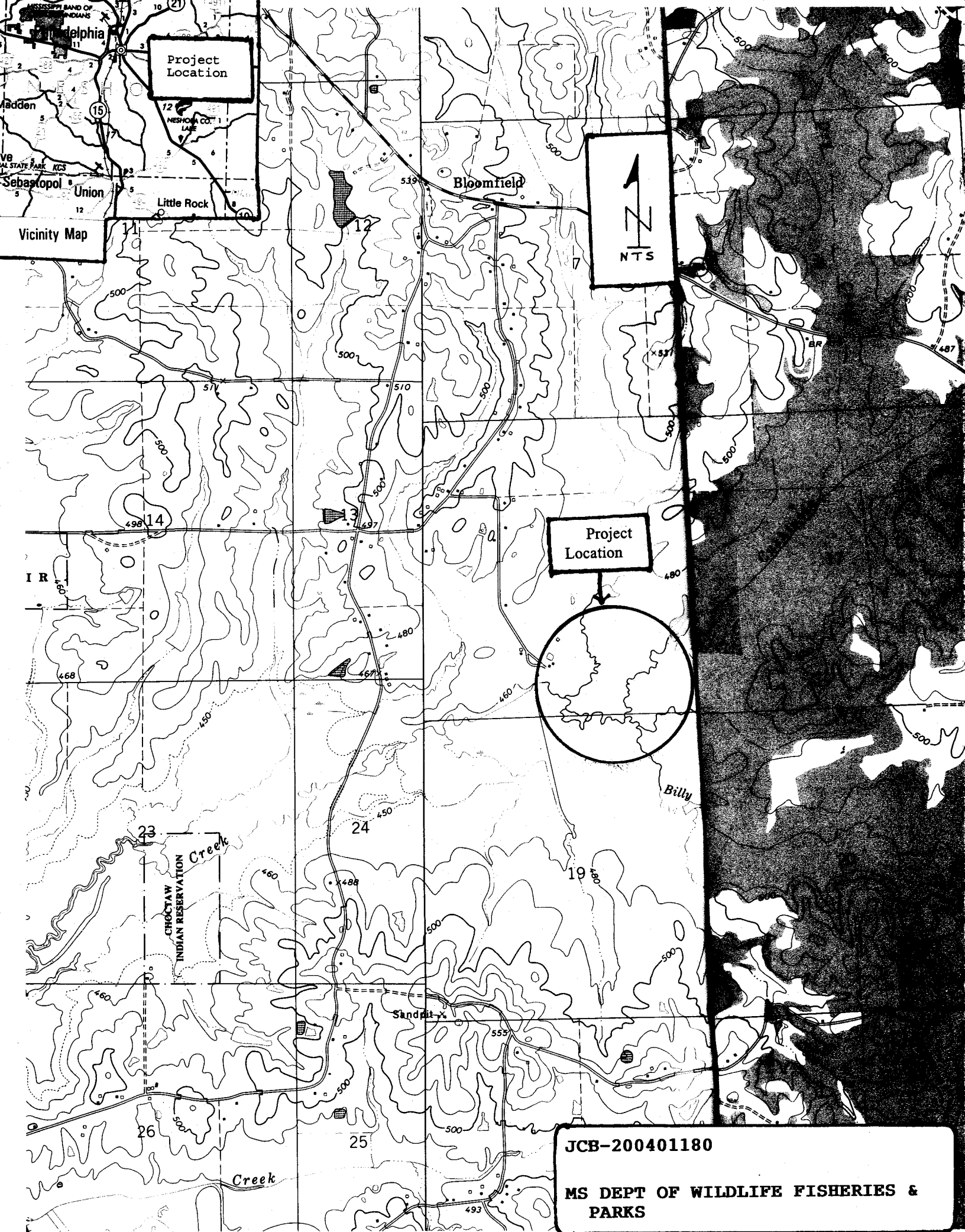
quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.

W. Harold Lee
Team Leader
Evaluation Section



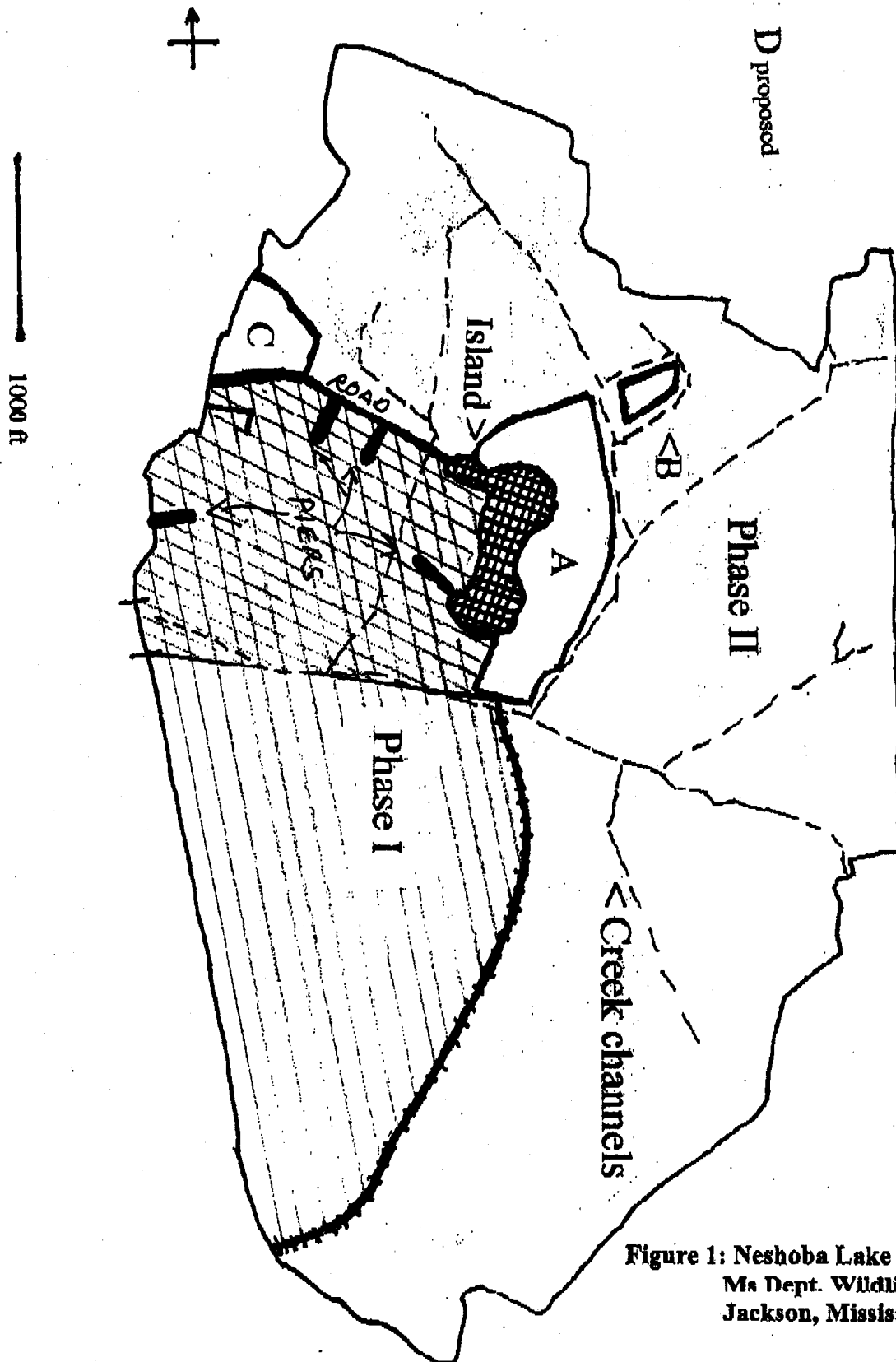


Figure 1: Neshoba Lake Renovation
Ms Dept. Wildlife, Fisheries and Parks
Jackson, Mississippi

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MS DEPT OF WILDLIFE FISHERIES